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TROP, PRUNER & HU, P.C. 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			RETTA, YEHDEGA	
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Please find below and/or attached an Office communication concerning this application or proceeding.

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1 UNITED STATES PATENT AND TRADEMARK OFFICE

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4 BEFORE THE BOARD OF PATENT APPEALS

5 AND INTERFERENCES

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8 *Ex parte* CLAUDE M. LEGLISE and THOMAS C. MILLER

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11 Appeal 2009-003160

12 Application 09/584,520

13 Technology Center 3600

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16 Decided: November 30, 2009

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20 *Before* MURRIEL E. CRAWFORD, HUBERT C. LORIN, and ANTON W.

21 FETTING, *Administrative Patent Judges*.

22

23 CRAWFORD, *Administrative Patent Judge*.

24

25

26 DECISION ON APPEAL

1 STATEMENT OF THE CASE

2 Appellants appeal under 35 U.S.C. § 134 (2002) from a final rejection
3 of claims 66-85. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

4 Appellants invented processor-based systems and methods utilized by
5 a consumer that is controlled and managed by a service provider for the
6 benefit of a retail vendor (Abstract).

7 Claim 66 under appeal is further illustrative of the claimed invention
8 as follows:

9 66. A method comprising:

10 providing a customer identifier together with information
11 about the identified customer's preferences to a service
12 provider;

13 receiving a plurality of graphical user interfaces from
14 said service provider, each graphical user interface of said
15 plurality of graphical user interfaces to include content related
16 to the products or services of a particular retail vendor, the
17 content customized, at least in part, based on said information
18 and not to include advertising for another retail vendor; and

19 preventing the identified customer from using Internet
20 services through said service provider without the customer
21 first viewing, in sequence, at least three graphical user
22 interfaces from said plurality.

23 The prior art relied upon by the Examiner in rejecting the claims on
24 appeal is:

25 Tobin US 6,141,666 Oct. 31, 2000
26 Rangan US 6,412,073 B1 Jun. 25, 2002

27
28 BISYS® Enables Financial Institutions to Bring Direct Internet
29 Access Services to Their Customers (Jan. 10, 2000),
30 [http://www.prnewswire.com/cgi-
31 bin/stories.pl?ACCT=104&STORY=/www/story/01-10-](http://www.prnewswire.com/cgi-bin/stories.pl?ACCT=104&STORY=/www/story/01-10-)

1 2000/000111171 . . . (last visited Jun. 27, 2007) (hereinafter
2 “BISYS”).

3 The Examiner rejected claims 66-70 and 81-85 under 35 U.S.C. §
4 103(a) as being unpatentable over BISYS in view of Rangan; claim 83 under
5 35 U.S.C. § 103(a) as being unpatentable over BISYS in view of Rangan
6 and further in view of Tobin; and rejected claims 71-80 under 35 U.S.C. §
7 103(a) as being unpatentable over Rangan in view of BISYS.

8 We AFFIRM-IN-PART.

ISSUES

11 Did the Appellants show the Examiner erred in asserting that a
12 combination of BISYS and Rangan renders obvious “preventing the
13 identified customer from using Internet services through said service
14 provider without the customer first viewing, in sequence, at least three
15 graphical user interfaces from said plurality,” as recited in independent claim
16 66?

17 Did the Appellants show the Examiner erred in asserting that a
18 combination of BISYS and Rangan renders obvious an activity graphical
19 user interface, a selection graphical user interface, and “in response to the
20 selection of an indicator on a sign-in graphical user interface, identifying a
21 current user of the processor-based system, said sign-in graphical user
22 interface having different indicators for each known user of said particular
23 processor-based system,” as recited in independent claim 71?

FINDINGS OF FACT

Specification

3 Appellants invented processor-based systems and methods utilized by
4 a consumer that is controlled and managed by a service provider for the
5 benefit of a retail vendor (Abstract).

6

Rangan

8 Rangan discloses that many companies offer various subscription
9 services accessible via the Internet. For example, many people now do their
10 banking, stock trading, shopping, and so forth from the comfort of their own
11 homes via Internet access. Typically, a user, through subscription, has
12 access to personalized and secure WEB pages for such functions. By typing
13 in a user name and a password or other personal identification code, a user
14 may obtain information, initiate transactions, buy stock, and accomplish a
15 myriad of other tasks (col. 1, ll. 26-35).

16 Once a user has logged-in at an Internet Portal, the portal may present
17 a secure and personalized page for the user, the personalized page having a
18 list of Internet destinations enabled by hyperlinks, wherein, upon invocation
19 of a hyperlink by the subscriber, the portal invokes a URL for the
20 destination, and upon connection with the destination, transparently provides
21 any required log-on information required for user access at the destination
22 (col. 2, ll. 10-20).

23 The personalized portal page may include an interactive listing of
24 user-subscribed or member WEB pages, identified in this example by URL.
25 Listed in a first column under destination are exemplary destinations
26 LBC.com, MyBank.com, MyStocks.com, MyShopping.com, Mortgage.com,

1 and Airline.com. In order to view additional listings listed but not
2 immediately viewable from within application 33, a scroll bar 35 is provided
3 and adapted to allow a user to scroll up or down the list to enable viewing as
4 known in the art (col. 5, ll. 18-35).

5 In some instances a particular service may have more than one
6 associated URL. For example, MyBank.com may have more than one URL
7 associated for such as different accounts or businesses associated also with a
8 single subscriber. In this case, there may be a sub-listing for different
9 destinations associated with a single higher-level listing. This expedient is
10 not shown, but given this teaching the mechanism will be apparent to those
11 with skill in the art (col. 5, ll. 45-51).

12 One page may be shared by more than one user, such as a husband
13 and wife sharing a common account and subscription. In another
14 embodiment, a network of individuals, perhaps business owners, authorized
15 co-workers, investment parties, or the like may share one application (col. 5,
16 ll. 53-62).

PRINCIPLES OF LAW

Claim Construction

20 Claim language cannot be mere surplusage. An express limitation
21 cannot be read out of the claim. *Texas Instruments Inc. v. United States Int'l*
22 *Trade Comm'n*, 988 F.2d 1165, 1171 (Fed. Cir. 1993).

1 *Burden*

2 Appellants have the burden on appeal to the Board to demonstrate
3 error in the Examiner's position. *In re Kahn*, 441 F.3d 977, 985-86 (Fed.
4 Cir. 2006).

5

6 ANALYSIS

7 *Three Graphical User Interfaces*

8 We are persuaded of error on the part of the Examiner by Appellants'
9 argument that a combination of BISYS and Rangan does not render obvious
10 "preventing the identified customer from using Internet services through said
11 service provider without the customer first viewing, in sequence, at least
12 three graphical user interfaces from said plurality," as recited in independent
13 claim 66 (App. Br. 12-13; Reply Br. 1-3). The Examiner asserts that the
14 user login page, the secure and customized page with hyperlinks, and the
15 page rendered based on the hyperlink chosen by the user in Rangan
16 corresponds to the at least three graphical user interfaces (Ex. Ans. 8-11).
17 However, independent claim 66 also recites that the content of each
18 graphical user interface is customized based on user information. The user
19 login page is a generic login page that is not customized. Moreover, the
20 page rendered based on the hyperlink chosen by the user is via the Internet.
21 Accordingly, this page is not viewed prior to Internet access as claimed.

22 By virtue of their dependence on independent claim 66, we also do
23 not sustain the rejection of dependent claims 67-70 under the Examiner's
24 proffered rationale.

1 *Different Indicators*

2 We are persuaded of error on the part of the Examiner by Appellants' argument that a combination of BISYS and Rangan does not render obvious an activity graphical user interface, a selection graphical user interface, and "in response to the selection of an indicator on a sign-in graphical user interface, identifying a current user of the processor-based system, said sign-in graphical user interface having different indicators for each known user of said particular processor-based system," as recited in independent claim 71 (App. Br. 14, Reply Br. 3-5). Figure 2 of Rangan most logically corresponds to the selection graphical user interface. To do otherwise would impermissibly read either the sign-in or selection graphical user interface out of the claim. *See Texas Instruments Inc. v. United States Int'l Trade Comm'n*, 988 F.2d at 1171. Accordingly, a user must sign-in on the sign-in graphical user interface to reach the selection graphical user interface. Rangan discloses that one page 33 may be shared by more than one user, for example, a husband and wife or network of business owners. The Examiner asserts this corresponds to the claimed different indicators. However, just because multiple users share the same page does not mean that each user has their own indicator on the sign-in graphical user interface, which again, is prior to the selection graphical user interface. Indeed, neither Rangan nor BISYS provides any details concerning the specifics of logging in on the sign-in graphical user interface, indicators or otherwise.

23 By virtue of their dependence on independent claim 71, we also do not sustain the rejection of dependent claims 72-80 under the Examiner's proffered rationale.

26

1 *Independent Claim 81*

2 The Appellants have not provided any arguments concerning
3 Examiner error in rejecting independent claim 81. While the headings on
4 page 12 of the Appeal Brief and page 1 of the Reply Brief lump together
5 claims 66-70 with claims 81-85, all of the arguments are directed solely to
6 independent claim 66. Accordingly, in the absence of any arguments
7 concerning Examiner error in rejecting independent claim 81, the rejection
8 of claims 81-85 is affirmed. *See In re Kahn*, 441 F.3d at 985-86.

9

CONCLUSION OF LAW

11 On the record before us, Appellants have shown that the Examiner
12 erred in rejecting claims 66-70 and 71-80.

13 On the record before us, Appellants have not shown that the Examiner
14 erred in rejecting claims 81-85.

15

DECISION

17 The decision of the Examiner to reject claims 66-70 and 71-80 is
18 reversed.

19 The decision of the Examiner to reject claims 81-85 is affirmed.

20 No time period for taking any subsequent action in connection with
21 this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv) (2007).

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AFFIRMED-IN-PART

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Appeal 2009-003160
Application 09/584,520

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